

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

SECOND AMENDED
Judgment in a Criminal Case
(For a Petty Offense)

UNITED STATES OF AMERICA,

v.

MICHAEL CUELLAR

/

Case No. 11-po-30003
USM No. 46377-039

Defendant's Attorney: Eric Proschek

THE DEFENDANT:

pleaded guilty to a single count Information.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§ 113(a)(4), 1151, and 1152	Assault	10/17/2011	1

The Defendant is sentenced as provided in pages 2 through 3 of this Judgment.

IT IS ORDERED that the Defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid. If ordered to pay restitution, the Defendant must notify the Court and United States attorney of material changes in economic circumstances.

Date of Imposition of Judgment: **FEBRUARY 1, 2012**

(Correction of this date is the only change)

s/ Charles E Binder

CHARLES E. BINDER
United States Magistrate Judge

Dated: February 7, 2012

Last Four Digits of Defendant's Soc. Sec. No. 3615

Defendant's Year of Birth: 1990

City and State of Defendant's Residence: Mt. Pleasant, MI

DEFENDANT: Michael Cuellar
CASE NUMBER: 11-po-30003

PROBATION

The Defendant is hereby sentenced to probation for a term of **nine(9) months.**

The Defendant shall not commit another federal, state, or local crime.

The Defendant shall not unlawfully possess a controlled substance. The Defendant shall refrain from any unlawful use of a controlled substance. The Defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter as determined by the court.

- The above drug testing condition is suspended, based on the Court's determination that the Defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The Defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The Defendant shall register with the state sex offender registration agency in the state where the Defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The Defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this Judgment imposes restitution or a fine, it is a condition of probation that the Defendant pay in accordance with the Schedule of Payments sheet of this Judgment.

The Defendant must comply with the standard conditions that have been adopted by this Court, as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1. The Defendant shall not leave the judicial district without the permission of the Court or probation officer.
2. The Defendant shall report to the probation officer in a manner and frequency directed by the Court or probation officer.
3. The Defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
4. The Defendant shall support his or her dependents and meet other family responsibilities.
5. The Defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons.
6. The Defendant shall notify the probation officer at least ten days prior to any change in residence or employment.
7. The Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

8. The Defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
9. The Defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.
10. The Defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer.
11. The Defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
12. The Defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court.
13. As directed by the probation officer, the Defendant shall notify third parties of risks that may be occasioned by the Defendant's criminal record, personal history, or characteristics, and shall permit the probation officer to make such notifications and confirm the Defendant's compliance with such notification requirement.

DEFENDANT: Michael Cuellar

CASE NUMBER: 11-po-30003

SPECIAL CONDITIONS OF SUPERVISION

1. Pursuant to 18 U.S.C. § 3563(b)(10), the Defendant is remanded to the custody of the Bureau of Prisons “during . . . other intervals of time,” namely, thirty (30) days of continuous custody. Defendant is given credit for 30 days of time already served.
2. If necessary, the Defendant shall participate in a program approved by the Probation Department for mental health counseling.
3. The defendant shall participate in a program of testing and treatment for drug and alcohol abuse if, as and when directed by the probation officer, and continue in said program until such time as the defendant is released by the probation officer.
4. The defendant shall not use or possess alcohol in any consumable form nor shall he be in the social company of any person who the defendant knows to be in possession of alcohol or illegal drugs or visibly affected by them. The defendant shall not be found at any place that serves alcohol for consumption on the premises, with the exception of restaurants.
5. The defendant shall be lawfully, gainfully employed on a full-time basis, or shall be seeking such lawful, gainful employment on a full-time basis. Full time is defined as 35 hours per week. In the event that the defendant has part-time employment, he shall devote the balance of such 35 hours per week to his efforts of seeking additional employment.